

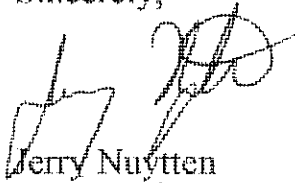
May 1, 2005

RECEIVED MAY 10 2005

Dear USDA,

I am writing in support of the recommended rule changes in reference to the livestock living conditions. I feel this would be the best for the industry and for the animals. I have enclosed a copy of the rules and changes that I am writing about.

Sincerely,



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Background Information – NOSB Recommendations

THE CURRENT RULE:

§ 205.239 Livestock living conditions.

(a) The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals, including:

- (1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment;
- (2) Access to pasture for ruminants;
- (3) Appropriate clean, dry bedding. If the bedding is typically consumed by the animal species, it must comply with the feed requirements of § 205.237;
- (4) Shelter designed to allow for:
 - (i) Natural maintenance, comfort behaviors, and opportunity to exercise;
 - (ii) Temperature level, ventilation, and air circulation suitable to the species; and
 - (iii) Reduction of potential for livestock injury;

(b) The producer of an organic livestock operation may provide temporary confinement for an animal because of:

- (1) Inclement weather;
- (2) The animal's stage of production;
- (3) Conditions under which the health, safety, or well being of the animal could be jeopardized; or
- (4) Risk to soil or water quality.

(c) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients.

RECOMMENDED RULE CHANGES:

A: “Stage of Production” to “Stage of Life”

The NOSB recommends a rule change to make the language in §205.239(a)(1), §205.239(b)(2) consistent with the language in §205.237(a)(2). The language, therefore in §205.239(a)(1) would read “Access to outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species its stage of production-life, the climate, and the environment. §205.239(b)(2) would be amended to read “animal’s stage of production-life.”

B: Pasture requirements

The NOSB recommends that §205.239(a)(2) be amended to read:

§205.239(a)(2) ~~Access to pasture for ruminants~~ Ruminant animals grazing pasture during the growing season.

This includes all stages of life except:

a) birthing; b) dairy animals up to 6 months of age and c) beef animals during the final finishing stage, not to exceed 120 days. Note: Lactation of dairy animals is not a stage of life under which animals may be denied pasture for grazing.

RECOMMENDED GUIDANCE ON PASTURE REQUIREMENTS:

Guidance for interpretation of §205.239(a)(2)

A. Organic System Plan

Ruminant livestock shall graze pasture during the months of the year when pasture can provide edible forage. The Organic System Plan shall have the goal of providing grazed feed greater than 30% dry matter intake on a daily basis during the growing season but not less than 120 days. The Organic System Plan shall include a timeline showing how the producer will satisfy the goal to maximize the pasture component of total feed used in the farm system. For livestock operations with ruminant animals, the operation's Organic System Plan shall describe: 1) the amount of pasture provided per animal; 2) the average amount of time that animals are grazed on a daily basis; 3) the portion of the total feed requirement that will be provided from pasture; 4) circumstances under which animals will be temporarily confined; and 5) the records that are maintained to demonstrate compliance with pasture requirements

B. Temporary Confinement

Temporary confinement means the period of time when ruminant livestock are denied pasture. The length of temporary confinement will vary according to the conditions on which it is based (such as the duration of inclement weather) and instances of temporary confinement shall be the minimum time necessary. In no case shall temporary confinement be allowed as a continuous production system. All instances of temporary confinement shall be documented in the Organic System Plan and in records maintained by the operation.

Temporary confinement is allowed only in the following situations:

- 1) During periods of inclement weather such as severe weather occurring over a period of a few days during the grazing season;
- 2) Conditions under which the health, safety, or well being of an individual animal could be jeopardized, including to restore the health of an individual animal or to prevent the spread of disease from an infected animal to other animals;
- 3) To protect soil or water quality

C. Appropriate Pasture Conditions

Appropriate pasture conditions shall be determined in accordance with the regional Natural Resources Conservation Service Conservation Practice Standards for Prescribed Grazing (Code 528) for the number of animals in the Organic Systems Plan.